



**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/900,254	07/25/97	PFEUFFER	P 22750/350

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IM31/1209

EXAMINER

YAO, S

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 12/09/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
08/900,254Applicant(s)
PfeufferExaminer
Sam Chuan YaoGroup Art Unit
1733

THE PERIOD FOR RESPONSE: [check only a) or b)]

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Nov 24, 1998 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.

☐ will not be entered because:

- ☐ they raise new issues that would require further consideration and/or search. (See note below).
- ☐ they raise the issue of new matter. (See note below).
- ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
- ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.

- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see the enclosed Examiner's Remarks.

- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.


- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):

Claims allowed: _____

Claims objected to: _____

Claims rejected: 1-4

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other


SAM CHUAN YAO
PATENT EXAMINER

Art Unit: 1733

Examiner's Remarks

1. On page 2 in arguing the rejection of claims 1-4 under 35 USC 112 second paragraph, Applicant asserts that "... *the nonwoven fabric, which is the condition of the material of the present invention before calendering.*" (emphasis added). In response, contrary to Applicant's assertion, it is submitted that claim 1 recites "... bonding the fibrous web ... between calender rolls **to form** the non-woven fabric" (emphasis added). Claim 1 clearly requires the nonwoven fabric being formed after the calendering of the fibrous web through a pair of profiled calender rolls. In any event, claim 1 is rejected under 35 USC 112 second paragraph because it is unclear whether there is a difference between a calendered fibrous web resulting from the first calendering step and a nonwoven fabric resulting from the second calendering step. In other words, it is unclear whether the step of "*calendering the fibrous web*" and the step of "*bonding the fibrous web ... between profiled calender rolls to form the nonwoven fabric*" are two separate and distinct calendering steps or one and the same calendering step.

Note: in a telephone interview with Mr. Smith on 12-07-98, Mr. Smith indicated that the two calendering steps recited in claim 1 are directed to the same calendering step. It was pointed out to Mr. Smith that the claim is rejected under 35 USC 103 on the assumption that the two calendering steps recited in claim 1 are based on two separate calendering steps. Therefore, amending this claim to require a single calendering step would raise a new issue.


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In response to Applicant's argument on page 3, as noted on page 5 of Paper No. 8, the corrugating step is performed after (not before) the fibrous web (13) and filter medium (14) have been laminated. The problem envisioned/alleged by Applicant is unlikely to transpire, if ever. For this reason, the claims stand rejected under 35 USC 103 over the art of record for reasons set forth in paragraph 3 of Paper No. 8.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Sam Chuan Yao** whose telephone number is (703) 308-4788. The examiner can normally be reached on Monday-Thursday from 8:00 AM-5:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Mike Ball, can be reached on (703) 308-2058. The **fax number** in Group Art Unit 1733 for any official papers (i.e. papers that will be entered as part of the file wrapper) is (703) 305-7718 and for unofficial papers (e.g. proposed amendments) is (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0651.


Sam Chuan Yao
Patent Examiner
Art Unit 1733

scy
December 8, 1998